



**AGENDA**  
**RIO DELL CITY COUNCIL**  
**REGULAR MEETING – 6:30 P.M.**  
**TUESDAY, OCTOBER 20, 2015**  
**CITY COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

*WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.*

**THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS**

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. PLEDGE OF ALLEGIANCE**
- D. CEREMONIAL MATTERS**
- E. PUBLIC PRESENTATIONS**

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Councilmembers present that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

**F. CONSENT CALENDAR**

*The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".*

- 1) 2015/10.20.01 - Approve Minutes of the October 6, 2015 Joint Study Session  
(ACTION) 1
- 2) 2015/10.20.02 - Approve Minutes of the October 6, 2015 Regular Meeting  
(ACTION) 6
- 3) 2015/1020.03 - Authorize the City Manager to appoint City Clerk Karen Dunham  
as Acting City Manager during periods of temporary absence or  
disability pursuant to RDMC 2.15.040(5) (ACTION) 21

#### G. ITEMS REMOVED FROM THE CONSENT CALENDAR

#### H. SPECIAL PRESENTATIONS/STUDY SESSIONS

- 1) 2015/1020.04 - Presentation from Food for People regarding services provided in  
Rio Dell (RECEIVE & FILE) 22

#### I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) 2015/1020.05 - Approve appointment to fill the vacancy on the Rio Dell Planning  
Commission for the remainder of the unexpired term ending  
December 31, 2015 (DISCUSSION/POSSIBLE ACTION) 23
- 2) 2015/1020.06 - Update on EV Charging Station Project at Downtown Parking Lot  
(RECEIVE & FILE) 31
- 3) 2015/1020.07 - Receive presentation on Cost Containment Options under review  
for Employee Health Insurance Benefits and authorize the City  
Manager to sign a Conflict Waiver Consent Form  
(DISCUSSION/POSSIBLE ACTION) 32
- 4) 2015/1020.08 - Schedule Workshop on Economic Development opportunities  
related to Cannabis (DISCUSSION/POSSIBLE ACTION) 37

#### J. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2015/1020.09 - Public Hearing - Conduct second reading (by title only) and adopt  
Ordinance No. 338-2015 amending Fence Regulations, Section  
17.30.120 of the RDMC to 1) allow ornamental fencing materials such  
as wrought iron or cyclone fencing no taller than (7) feet in height  
provided the fence is at least 60% open within the front yard setback;  
and to prohibit razor or concertina wire fences (ACTION) 38

#### K. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director
4. Community Development Director

L. COUNCIL REPORTS/COMMUNICATIONS

M. ADJOURNMENT

*The next regular meeting will be on November 3, 2015  
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL  
PLANNING COMMISSION  
JOINT STUDY SESSION  
OCTOBER 6, 2015 MINUTES**

A joint study session of the Rio Dell City Council and Rio Dell Planning Commission was called to order at 5:30 p.m. by Mayor Wilson

**ROLL CALL:** Present: Mayor Wilson, Councilmembers Garnes, Johnson, Marks and Thompson, Commissioners Long and Millington

Absent: Commissioners Angeloff and Leonard

Others Present: City Manager Knopp, Community Development Director Caldwell, and City Clerk Dunham

**STUDY SESSION MATTERS**

Review draft version of Land Use Matrix and Definitions and recommended changes to the Zoning and General Plan Land Use Designations

Community Development Director Caldwell began by stating that the Planning Commission completed their review and recommendations of the Land Use Matrix and Definitions at their meeting on September 24, 2015 and what is before the Council is the final draft version. He said the recommendation is for the Council to review the Land Use Matrix and identify any concerns or recommendations they would like to discuss with the Planning Commission or staff.

He said included with the staff report is a copy of the Power Point Presentation presented to the City Council at their September 1, 2015 meeting; the Land Use Matrix with Definitions; and the Land Use Matrix without Definitions. He commented that one of the primary reasons for creating the Land Use Matrix is to identify and expand allowed use types. Also, the idea is be able to provide a handout when someone comes to the counter with questions about land use designations and potential business opportunities in the City.

He continued with review of the twelve (12) land use designations in the City and pointed out that the Industrial (I) Land Use Designation is identified although there currently are no parcels with that designation. He referred to the sliver of land along Highway 101 in the Eel River Industrial Park and said it was suggested during discussion with the Planning Commission that it be rezoned from Industrial Commercial (IC) to Highway Commercial (HC) and restrict industrial uses to the former sawmill site itself.

He commented that there are some obstacles in developing the Eel River Industrial Park area because the City does not currently provide water or sewer services to that area, and for any development over 10,000 square feet, a traffic study will be required to establish access points.

Community Development Director Caldwell suggested the planning commissioners be given the opportunity to comment.

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Commissioner Long said first and foremost he would like to commend Community Development Director Caldwell for the extensive work he put into developing the Land Use Matrix and said the Commission could not have accomplished what they did without him. He said because of his attention to detail they together was able to put together a great tool.

Commissioner Millington added that he managed to take out a lot of the confusion to come up with a very simple and straight forward document.

Community Development Director Caldwell said the idea was to make it simple and easy for people to understand and another thing they did was to add a caveat that if there is an unidentified use type that is similar to another use type, it can be considered as an allowable use rather than closing the door on a potential business opportunity.

He said once the Land Use Matrix is approved, staff will need to amend the zones and analyze any potential environmental effects and hopefully can find an exemption because anytime an Environmental Impact Report (EIR) is done, the fees for the State Department of Fish & Game are around \$3,000.

He said staff's intent is to also identify use types that are not in the City and consider them as "Targets of Opportunity".

Councilmember Thompson referred to the land use designation for *Funeral Homes* and questioned whether they should be located in residential neighborhoods; he suggested TC as a more suitable area.

Community Development Director Caldwell said *Funeral Homes* is a new use type and in discussing it with the Planning Commission, they felt it was appropriate to conditionally permit them in the Neighborhood Center (NC).

Councilmember Thompson also questioned the land use designation for *Cemeteries/Mausoleums* in the SR and R land use designations.

Staff responded that the Planning Commission also felt that it is appropriate to conditionally permit them in SR and R and noted that it is a huge process to get approval by the State to put in a cemetery so it likely will not be an issue.

Councilmember Thompson asked about the possibility of changing a land use designation if someone was to request it.

Community Development Director explained if the particular use type was determined to be a similar use type with another allowable use type the applicant would simply have to go through the Conditional Use Permit (CUP) process. If not, it would require a zone change which would

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trigger environmental review, public hearings etc. with actual costs charged to the applicant.

He noted that if the proposed use type was clearly not compatible with the allowable use types in that zone, staff would discourage the applicant from making application.

Mayor Wilson asked for the locations of the SR and R land use designations.

Community Development Director Caldwell explained the parcel below the Douglas St. water tank is zoned SR and said through the CUP process, the neighbors would have input on any proposed cemetery.

Councilmember Johnson said the area between the Eel River Industrial Park and the Eel River zoned Natural Resources (NR) is a mining area and according to the proposed land use matrix, the materials would have to be hauled to the industrial zone for processing and asked if there is any vehicle to allow *Aggregate Resources Processing* in other zones. He said in his career he worked a lot with aggregate processing and said the more the material is moved around, the less chance there is of selling the material. He suggested the use type be conditionally allowed in the NR zone.

Staff and planning commissioners agreed.

Mayor Wilson opened the public hearing to receive public comment on the proposed Land Use Matrix.

**Melissa Marks** commented that the area at the end of Davis St. is also zoned NR and asked if the River's Edge RV Park could be changed into a gravel plant.

Community Development Director Caldwell explained that the land use designation for the RV Park is actually Suburban Low (S) and not NR and the N on the map refers to the high water mark. He also pointed out that all mining operations are under the authority of the County and the State Lands Commission.

Councilmember Johnson commented that the Land Use Matrix and Definitions was so well done that as he reviewed it, he didn't find much to comment on.

Councilmember Marks agreed and said it is pretty self-explanatory.

Councilmember Garnes referred to the definition under *Animal Sales and Grooming (Pet Stores)* principally permitted in TC, CC and NC, to be conducted entirely within an enclosed building and pointed out that animal sales and animal grooming are not always grouped together as one business. She said when animals are taken to the groomer; they are often there for several hours and as such have to be taken out, usually to some sort of side yard.

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Community Development Caldwell stated that he could expand the definition to limit the use as far as how long animals can be outside to minimize any impact to the neighborhood.

Councilmember Garnes also mentioned that there is no use type for *Dog Parks*.

Community Development Director Caldwell said the Council may want to allow *Dog Parks* in any zone with a Conditional Use Permit (CUP) to allow the opportunity for persons to make application.

Commissioner Long questioned whether *Dog Parks* should be allowed in residential neighborhoods and expressed concern about the safety of children due to potentially vicious dogs.

Community Development Director Caldwell commented that performance standards could be established to insure safety such as fencing and said he would only recommend the use be conditionally permitted in any of the zones.

Mayor Wilson referred to his neighborhood on Eeloa Ave. with the NC land use designation and said 4 of the 6 parcels are legal non-conforming residential uses and not set up for businesses. He asked about the possibility of rezoning those parcels.

Community Development Director Caldwell explained staff would need to make contact with those residents to see if they would be receptive to possible rezoning and if so; bring it to the Planning Commission for consideration.

**Melissa Marks** said with possible legalization of marijuana in 2016; asked if the use is being addressed with this update. She commented that the City of Arcata is creating a Medical Marijuana Innovation Zone for the cultivation of marijuana and related businesses.

Community Development Director Caldwell said the Planning Commission discussed the agricultural processing but not sales. He noted that there is still an ordinance in place prohibiting marijuana dispensaries in the City so it would need to come back to the City Council for consideration at that time.

Mayor Wilson commented that all the businesses located at the Eel River Industrial Park are related to marijuana cultivation and the only revenue the City gets is the Business License Tax.

Staff commented that there is some sales tax revenue generated from some of those businesses.

There being no further public comment, the public hearing closed.

Community Development Director Caldwell noted that the next step in the process will be to

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bring the Land Use Matrix back to the Council in the form of an ordinance followed by the environmental review process. He indicated that his next focus will be on update of the Housing Element, the Land Use Matrix then on Economic Development.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 6:18 p.m. to the 6:30 p.m. regular meeting.

\_\_\_\_\_  
Frank Wilson, Mayor

Attest:

\_\_\_\_\_  
Karen Dunham, City Clerk



**RIO DELL CITY COUNCIL  
REGULAR MEETING  
OCTOBER 6, 2015  
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Wilson.

**ROLL CALL:** Present: Mayor Wilson, Councilmembers Garnes, Johnson, Marks and Thompson

Others Present: City Manager Knopp, Finance Director Woodcox, Water/Roadways Superintendent Jensen, Community Development Director Caldwell, and City Clerk Dunham

Absent: Chief of Police Hill and Wastewater Superintendent Chicora (excused)

**PUBLIC PRESENTATIONS**

Planning Commissioner Nick Angeloff expressed his apologies for not attending the 5:30 Joint Study Session.

As President of the Chamber of Commerce, he announced they will be hosting the second in a series of talks introducing local businesses and said Aqua Dam will be the featured business at the next Chamber mixer on October 13<sup>th</sup> at the Chamber office at 406 Wildwood Ave. He said Refreshments will be served and Matthew Wennerholm, vice president of Aqua Dam will speak and has donated a 300-gallon bladder that mounts to a pickup truck valued at \$600.00 as the silent auction item.

He also announced that he is running for a seat on Humboldt Bay Harbor District, Division 2 and reminded citizens to vote.

**Dean Glaser** conveyed his support for Nick Angeloff as a candidate on the Harbor District and said Charles Ellebrecht is also running for the Fortuna Union High School Board of Trustees and urged everyone to get out and vote.

**Tracy O'Connell** invited everyone to come to the River Arts Beer Festival on Saturday, October 10<sup>th</sup> at Fireman's Park and announced the event supports the Eagle Prairie Arts District and the proceeds will provide art programs to the community and youth. She said Supervisor Estelle Fennel will be the official "celebrity pourer" at the event and people will have the opportunity to enjoy local beer, food and live music.

**CONSENT CALENDAR**

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Councilmember Thompson asked that Item 3 *Resolution No. 1273-2015 Amending the City of Rio Dell Employee Handbook*, be removed from the consent calendar for separate discussion.

Motion was made by Garnes/Johnson to approve the consent calendar including approval of Minutes of the September 22, 2015 Special meeting; and authorizing the Finance Director to sign and submit the Regional Surface Transportation Program (RSTP) Claim for FY 2014-2015. Motion carried 5-0.

### ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve Resolution No. 1273-2015 amending Section 3.24 (Nepotism) and Section 5.15 (Sick Leave) of the City of Rio Dell Employee Handbook

Councilmember Thompson expressed some confusion about the amended sick leave policy and asked if there is a limit on the hours a temporary or intermittent employee can work before they are classified as a permanent employee.

City Manager Knopp explained that if an employee works consistently more than 29 hours a week they are no longer considered part-time.

Councilmember Thompson said if part-time employees are immediately given 24 hours of sick leave, asked how that fits in with the current policy for full-time employees. He asked if employees that currently accrue 3.69 hours of sick leave per pay period, will under the new policy get an additional 24 hours on July 1<sup>st</sup> of each year.

City Manager Knopp explained that the State of California enacted a law effective July 1, 2015 that requires employers to provide paid sick leave to temporary or intermittent employees who work part-time. He noted that the City currently has no part-time employees but must have a policy in place should part-time employees be hired in the future. He reiterated that the provision only applies to part-time employees and the current sick leave benefit for current employees will remain unchanged.

Councilmember Johnson referred to the proposed amendment to the Employee Handbook where it states that part-time employees will receive 24 hours of paid sick leave after 30 calendar days of employment with the City and further down it says they will only be able to utilize this sick leave until they have been employed for 90 days. He questioned whether that provision should be clarified.

City Manager Knopp stated for clarification that they begin accruing sick leave after 30 days of employment but are not allowed to use it until they have been employed for 90 calendar days.

Discussion continued regarding whether the 24 hours of sick time should be front loaded or if the accrual method of one hour sick leave per every 30 hours worked, with a cap at 48 hours would be a better method.

The consensus of the Council was that staff clarifies the policy and bring the resolution back at the next meeting.

### **SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

Adopt Resolution No. 1271-2015 establishing procedures for the conduct of protest hearings pursuant to Proposition 218 for new or increased property related fees and charges and direct staff to proceed with the Proposition 218 45-day noticing process

City Manager Knopp provided a staff report and said on September 22, 2015 the Council selected a proposed rate structure with a ratio of 75% fixed charges and 25% variable charges with the ultimate annual revenue goal for the water fund of \$1.2 million. He said the action of the Council changed to initially implement 50% of the rate increase, with the remainder 50% after two years. He said this essentially would turn the proposed 5-year capital plan into a 6-year plan.

He commented that staff has been working on the rate structure and wants to make the Council aware of potential issues in moving forward with implementation of a plan that applies 50% of the new rate initially rather than 100% as proposed.

The first issue he identified was related to the MHI figure and noted that the 50% initial increase does not surpass the 1.5% of the MHI and since there is no guarantee the MHI will be adjusted downward, this creates a problem in seeking grant funds. He noted that the 50% method will bring the average water bill to \$49.95 and to achieve the MHI figure it needs to be at \$52.66.

He said the next issue is that the 50% increase poses problems in addressing even the minimum level of capital replacement needs. He pointed out that the proposed rate increase was established to cover the mandatory debt service; take care of the water operating fund deficit; rebuilding reserves; provide funding for the operation of the Metropolitan Well Site; and provide funding of a 5-year Capital Improvement Plan (CIP) for priority projects. He added that the newly proposed plan does not allow for any funds to go into the CIP during the initial 2-year phase-in of the rate increase.

He stated that there was some confusion with the motion at the last meeting and clarified that Councilmember Johnson suggested that 50% of the increase be implemented with the water bill going out on or around January 1, 2016 with the remaining 50% on or around January 1, 2018. He said theoretically an extra year would be added at the end of the plan because during the first and second year, no money is set aside for capital replacement so essentially the 5-year CIP would be extended to a 7-year plan.

City Manager Knopp further explained that the current rate schedule includes a 3% annual adjustment for inflation which has to be readopted at least every 5 years so he would not recommend a plan that extends beyond 5 years. He also pointed out that under the new proposal, only the rates associated with operations and the Metropolitan Well Site will be adjusted the 3%

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annually and the debt service and capital funds will not be used to calculate the annual increase for inflation.

He said in order for the water rates to meet the current MHI requirements, the increase would need to be at least 58% of the targeted goal and would provide approximately \$50,000 toward the CIP.

Councilmember Garnes addressed the issue and said after supporting Councilmember Johnson's motion for the 50% implementation; she thought about it the next day and realized it was a mistake. She said she was fatigued and simply didn't ask enough questions when the motion was brought forward. She said on August 4, 2015, the Council voted on an overall funding goal over a 5-year plan and on September 22, 2015 blew up their own plan to extend it to a 6 or possibly 7 year plan which will not achieve what the Council set out to accomplish. So basically what the Council did was vote to fix the infrastructure then voted to not fix the infrastructure but to still implement the rate increase and collect the money. She said her hope is for the Council to agree to set aside the vote of the Council on September 22<sup>nd</sup> and go back to the original plan under Option 2 and instead of a 3-year phase-in of the rate increase, a 2-year phase-in. She said in order to qualify for grant funding, the City must demonstrate to the State that they can provide the 20% match and to show that the water rates are meeting the 1.5% of the MHI. She said this plan will not demonstrate that so what the Council has been selling to the citizens is that the rate increase is needed to fix broken infrastructure but with the action taken at the last meeting, it simply won't work.

She said by going back to a 5-year plan as originally proposed, there will be money set aside for capital improvements to fix the aging water system and the Council will be able to be honest with citizens and do what they say they are going to do.

She stated that the truth is that the City needs to improve the aging infrastructure so to do that she proposed that the Council set aside the 6-year plan and go back to the initial goal that was set on August 4<sup>th</sup> for a 5-year plan and phase in the increase over 2 years with 60% of the increase occurring with the December, 2015 billing period and 1 year after this initial rate increase, raise the rate to the full amount. At the end of the first year, the Council can hold their own feet to the flame and say that they didn't know exactly what they were voting on. She said the Council needs to take a moment to make this right because once this goes into concrete and the Prop 218 process begins, the Council will be sitting here waiting for disaster and she wants no part of it by selling something to citizens that can't be delivered because she wasn't paying attention.

Mayor Wilson asked for clarification on the 2-year plan.

Councilmember Garnes explained that 60% of the increase would be implemented the first year and the remaining 40% the second year because 100% of the increase up front is too much for citizens to bear.

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She said she feels it is the best way to approach it and it will put the City in a better position not only with the State, but its citizens because they are not being sold something the Council can't deliver.

Councilmember Marks said after listening to the comments from the citizens what he heard was that they basically didn't want to spend the money on the infrastructure because the proposed rate increase is too much so he seconded the motion because he thought that is what the citizens wanted.

Councilmember Garnes noted that neither staff, Council nor citizens asked questions on the motion put forth at the last meeting to phase in the rates but should have, and if there is a way to fix it before it is too late the Council needs to do it.

Councilmember Thompson stated that he came here tonight in the position to support a 58% phased-in rate the first year but now agrees with the 60%. He added that the number one priority is to put the City in position to leverage grant funds and said the City will lose \$50,000 in funding for the Metropolitan Wells Project and also an additional \$50,000 in Capital Reserves because nothing will be set aside the first year. He said he thinks that citizens understand there are long-term problems that need to be corrected and believes they will support the Council's decision if the Council shows justification for the increase as proposed. He said when he voted on the motion made on September 22<sup>nd</sup>, he thought the Council was doing the best they could.

He pointed out that the City was successful in securing \$10 million in grants over the past 10 or 15 years and without those grants, the water rates would be out of sight.

He stated that he supports Councilmember Garnes recommendation with the idea that staff will appeal and be successful with regard to adjustment of the current MHI figures for Rio Dell. He recommended the motion be revised however; to say that the Council will come back in 1 year to re-evaluate the situation to see if the City has over-achieved or is on solid ground with Prop 218.

Councilmember Johnson stated that clearly it could have been better thought out but his question now is whether the revenue generated under the new proposed plan will fall short somewhere with the 5-year CIP.

City Manager Knopp explained during the first year, approximately \$50,000 will go towards capital replacement and the shorter phase-in plan is more in line with the original plan. He said under this plan, more money will go into Capital initially but will forgo \$150,000 by not implementing the full 100% the first year. He added that this will definitely help with the funding situation and gives a much stronger argument with the State when demonstrating the City's financial stability.

Mayor Wilson asked if staff has done any revenue projections on the 58% phase-in plan.

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Finance Director Woodcox reported at 60% the total revenue is projected to be \$930,000 with a base water rate of \$40.06 and \$2.61 per unit thereafter. She said the average 5 unit bill will be \$53.09 rather than the \$49.95 at 50% phase-in method.

Mayor Wilson opened the public hearing to receive public comment on the proposed rate increase.

**Dean Glaser** addressed the issue and said the Council does have a difficult task in coming up with a rate structure that provides enough money to fund infrastructure improvements and said one way to accomplish it is through a bond measure. He noted that the City of Fortuna approved a bond measure in 2006 and the public chose to delay paying on it the first year so there was a large spike the second year. He pointed out that once you have infrastructure improvements done they have to be maintained so you have to have a plan in place for future repairs. He said paying as you go is tough but if the City can generate enough money to provide the 20% match and secure grants essentially what they are doing is saving 80% which is a super deal.

He pointed out that if there are thirty or so citizens in the back of the room during the public hearing with flappy lips opposing the rate increase, the Council should ignore them and listen to the citizens that aren't saying anything because that is the majority.

**Melissa Marks** acknowledged that the rate increase is a tough decision for the Council to make but regardless, it has to be done. She said the question that arose regarding whether a customer will be charged the base rate for water when the water is turned off needs to be looked at as she assumed it would be charged the same as sewer to help pay for future capital improvements.

**Elizabeth Coleman-Johnson** said that portion of the infrastructure should be paid for at the time the service is installed and that a renter moving from place to place should not be required to pay for water after the service is discontinued.

Motion was made by Garnes/Thompson to cancel the motion made at the September 22, 2015 Council meeting which would establish a phased-in water rate at 50% the first year and the remaining 50% at the beginning of the third year, extending the 5-year CIP to a 6-year CIP. Motion carried 5-0.

Councilmember Johnson said before moving forward the Council needs to consider the comment made by Melissa Marks and said there are repairs to water laterals, and future capital improvements such as the replacement of water meters that property owners need to pay for. He suggested staff recalculate the total costs before adopting a new water rate structure.

Mayor Wilson stated that it is all part of the transparency between the City and the citizens.

Councilmember Thompson said the way he visualizes moving forward is to proceed with the

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motion as recommended by Councilmember Garnes and when it comes back to the Council for review in one year, to look at the revenue and expenditures at that time. He pointed out that under Prop 218, jurisdictions can't collect more revenue than what it costs to provide the service and one year won't make that much difference. His suggestion was to proceed with the rate increase as proposed and make it a number one priority to review the rate structure and the method used to calculate the charges one year after adoption.

City Manager Knopp stated for clarification that rates can be lowered at any time without going through the Prop 218 process but can't be raised.

Discussion continued regarding the base charge for active accounts when no water is used versus a base charge or system fee for inactive accounts.

**Dean Glaser** commented that the City of Fortuna charges inactive business accounts a base charge based on the size of the meter. He pointed out that all it takes is a new City Council and all the good work and goals of a former City Council are gone.

**Alice Millington** said she can't imagine how the City would collect on those properties in foreclosure.

Finance Director Woodcox stated that there is a lot of tracking involved and a process that is very time consuming for staff.

There being no further public comment, the public hearing closed.

After further discussion and multiple attempts to bring a motion to the floor, the Mayor called for a 5 minute recess.

The Council reconvened and Councilmember Garnes was asked to restate her motion.

Motion was then made by Councilmember Garnes/Thompson to adopt Resolution No, 1271-2015 *Establishing procedures for the conduct of protest hearings pursuant to Proposition 218 for new or increased property related fees and charges* and directing staff to schedule a Public Hearing for December 1, 2015 and send Notice of a Public Hearing and protest vote instructions as required by law, and further amending the prior Council action and approving a water rate increase to reflect a 60% increase toward the goal in year one with the remaining 40% on January 1, 2017 and to include an annual progress review no later than December 2016.

City Manager Knopp stated for clarification that the portion of Councilmember Johnson's motion made on September 22, 2015 to direct staff to begin the review of water connection charges for both inside and outside City customers would still stand.

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Mayor Wilson questioned the process for tabulating the protest votes at the public hearing scheduled for December 1, 2015 and said as he understands it, at the end of the public hearing the City Clerk will tabulate the protest votes but in doing so, asked how they are going to be verified as far as whether the person submitting the protest vote is either the legal property owner or the current rate payer on record. He said the process could take a fair amount of time and questioned whether additional help is needed such as the League of Women Voters. He commented that it won't sit well with him if it is suggested to stop the process and have staff come back at a later time with the final tabulation.

City Manager Knopp referred to the draft resolution and explained that staff did amend the process for tabulation of protests that includes the City Clerk preparing a Master Parcel List identifying each parcel subject to the new or increased fee and also representing any protest vote for that parcel which will be available for the public to review. Also, if at the end of the public hearing the City Clerk tabulates the protest votes and the total number is insufficient to constitute a majority protest, she may make that determination without validating the protests received and simply deem them all valid without further examination. However; if she determines that the number of protests may exceed the 50% and more time is needed for verification then she will advise the Council and the Council can decide if they want to adjourn the meeting to allow the tabulation to be completed and perhaps arrange for the League of Women Voters to assist.

Mayor Wilson asked if the City Clerk will be doing all the tabulation or if other staff will be involved and said it may be overwhelming for her to do it alone.

Staff commented that another staff person may be utilized to check off the votes on a master list to insure multiple protest votes for that parcel are not counted, but at this point it is unknown whether 50 protest votes or 500 will be received.

Councilmember Thompson approached the idea of scheduling the meeting to start earlier than 6:30 p.m. or perhaps even scheduling it for a Saturday.

Discussion continued regarding the 45-day noticing schedule.

Mayor Wilson expressed concern about the actions of future City Councils and said he wants to have some sort of controls in place and have specific actions of this Council spelled out such as how Capital Reserve funds are to be spent. He stated that he doesn't want to find out that Water Capital funds were used to give staff raises.

City Manager Knopp clarified that this City Council cannot bind future City Council actions and said when there is a political change; they get to make the choice on how funds are to be spent. He said one way to insure that funds are spent as intended is through a bond measure since future City Councils are obligated to pay for any prior debt service payments.



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He then distributed a chart of accounts for FY 2015-2016 including a financial plan model and outlining the overall strategic plan the City Council is adopting and memorializing in the record. He said it is ultimately up to future City Council's to follow but they can deviate from the plan provided they are following the law.

Mayor Wilson said hopefully having a record will help although it is easy to lose track of former actions or plans.

Councilmember Thompson commented that past actions will be easier to track with everything now being scanned into the DocStar system.

Mayor Wilson added that what he wants to see from staff is that there is a mechanism in place that allows a trail for future staff and City Council's to follow and hopefully citizens will help to make sure things are kept on track in the future as well.

City Manager Knopp reiterated that this Council can't define the actions of future Councils but if the Council wants a resolution adopted that somehow binds staff to provide regular quarterly reporting of Water fund activities they can.

Mayor Wilson stated that he still has some concerns that need to be addressed but at this point in time doesn't want to delay the Prop 218 process.

The motion then carried 5-0.

Local transportation revenue options being considered by the Humboldt County Association of Governments (HCAOG) Policy Advisory Committee

Councilmember Johnson presented this item and said at the last HCAOG meeting it was suggested that \$30,000 be spent to conduct a public survey regarding a potential ballot measure in 2016 related to a Transportation Sales Tax Measure. He said the idea was not very well received by the board members and there were other suggestions for use of the \$30,000 such as using a lobbyist to help secure State funding or simply distributing the \$30,00 to the member cities for minor street repairs. It was decided that the Cities appointed representatives go back to their respective boards/councils and get a consensus related to funding options.

He noted that Rio Dell's share of the funds would only be around \$900.00 but would allow for some pot holes to be filled.

Councilmember Thompson suggested the City "take the money and run" and predicted that in the very near future there will likely be a tax payer revolt.

Mayor Wilson called for public comment on the issue; there was no public comment received.

The consensus of the Council was to request that the \$30,000 be distributed equitably among the member cities.

Electronic Signage for display on City Hall grounds

Councilmember Garnes presented this item and said she thought it would be a good idea to have a LED sign erected at City Hall for the benefit of the public as a reminder of meetings and important issues of concern to the community. She said she thought it would be a good way to get information out to the public that otherwise wouldn't get to them. She added that it would also help the City Council do a better job in communicating with the public and said it would be kind of like having the City's own social media without the use of Facebook.

She said the initial idea was to try and get donations from businesses to help pay for the cost of the sign perhaps in exchange for some advertising or some sort of recognition but before she moves forward, she wanted to get a consensus from the other Councilmembers to see if they support the idea. She said she would also be consulting with Community Development Director Caldwell to see what the zoning requirements are. She offered to gather all the information and bring the matter back to Council for consideration if the Council is interested in pursuing the idea.

Councilmembers were in support of Councilmember Garnes putting together more information and presenting it to Council at a subsequent meeting.

Mayor Wilson called for public comment on the proposed sign.

**Richard Newman** commented that the City complains that there is not enough money then manages to find it for other things like this. He said there will likely be citizens who don't agree.

**Dean Glaser** pointed out that the Parks & Recreation Department in Fortuna and also the Fire Department explored the idea of installing these types of signs and although he embraces Councilmember Garnes passion the cost factor is shocking for PG&E to provide the power.

Authorize City Manager to cast votes on behalf of the City of Rio Dell for the Fortuna fire Protection District's ballot assessments

City Manager Knopp provided a brief staff report and said the City has been provided ballots for the three City owned parcels located in Metropolitan within the Fortuna Fire Protection District's sphere of influence. He said the proposed assessment is expected to be \$216 annually and would be paid by the sewer fund. The recommendation was to authorize the City Manager to vote yes on the assessments on behalf of the City.

Councilmember Marks questioned the benefit to the City and said in the event of a fire in that area, the Rio Dell Fire Department would likely be the first to respond due to the location.

Mayor Wilson called for public comment on the matter.

**OCTOBER 6, 2015 MINUTES**  
**Page 11**

**Dean Glaser** commented that the County of Humboldt also owns land within the Fortuna Fire Department's sphere of influence and regarding the fire assessment, they decided to remain neutral and not vote thus leaving the decision up to businesses and residents. He suggested the City of Rio Dell consider doing the same.

Motion was made by Thompson/Garnes to direct the City Manager to not submit a vote on the Fortuna Fire Assessment thus remaining neutral. Motion carried 3-2; Mayor Wilson and Councilmember Johnson were the dissenting votes.

Update on Code Enforcement Program

City Manager Knopp provided a brief update on current Code Enforcement activities and reviewed a Code Enforcement Rotation Map dividing the City into eight neighborhoods. He said with the use of Measure Z revenue from the County, the City will be able to be more proactive with regard to Code Enforcement efforts. He reported that staff has been more proactive with regard to vehicle abatement and has come up with a systematic method for targeting the various neighborhoods on an equitable basis regarding other code enforcement issues. He explained that the focus each month will be on one particular neighborhood rather than targeting individual properties.

He stated that there is no recommended action but staff wanted to bring the Council up to date on the program.

Councilmember Johnson asked who goes out and identifies the code enforcement issues.

City Manager Knopp said it is basically a mutual attempt by various staff members but primarily himself, the Community Development Director and the Code Enforcement clerical staff.

Mayor Wilson asked if staff is going to prepare a matrix for Measure Z reporting.

City Manager Knopp explained that part of the process for receiving Measure Z revenue is to report to show how many calls staff is responding to and other information to display to the County that the money is being used as intended.

Mayor Wilson commented on Wildwood Ave. being used to park cars that are for sale by private parties which takes away parking for businesses.

Authorize City Manager to investigate the placement of a fence blocking pedestrian river/bridge access at Eagle Prairie Bridge

City Manager Knopp provided a staff report and said the City has received a couple of complaints from businesses regarding transients camping under the Eagle Prairie Bridge. He said large amounts of trash, feces and other debris have been identified at this site and staff is asking for Council authorization to begin looking into placing a fence at this location to help

**OCTOBER 6, 2015 MINUTES**  
**Page 12**

block access. He said it appears that Caltrans actually owns the right-of-way so staff will be in contact with them to discuss options for fencing the area and report back to Council as more information becomes available, provided the Council supports the idea.

Councilmember Thompson stated that he is aware of the situation and agrees the problem needs to be addressed but feels a wire fence would be a waste of money. He said the City needs to be prepared to make something more solid in order to keep people out.

Councilmember Johnson stated that he can't imagine CalTrans not footing the bill to secure the area and pointed out that if transients can't camp there, they will go somewhere else. He commented that he goes down to the river 2-3 times a week and hasn't seen any camping and hardly any garbage or other debris since the Chamber hosted the last clean-up of the river bar.

Mayor Wilson called for public comment on the issue.

**Dean Glaser** commented that Fortuna changed its logo from "Sunny Fortuna" to the "Friendly City" and encouraged Rio Dell to think twice before changing its logo. He said if a 9-1-1 call comes in from someone's cell phone from any areas within a city, the police is obligated to respond. He also pointed out that if Eureka is successful in eradicating their homeless population, they will find somewhere else to go.

**Nick Angeloff** commented that children walk by the area in question going to and from school which is a problem. He said patrol of the area needs to be increased and that the oldest business in town has expressed concern about the camping under the bridge. He expressed the need to respond quickly and effectively so Rio Dell is not viewed as the "friendly city" for transients. He directed a comment to Dean Glaser that Rio Dell is the "Mayberry of the North Coast".

## **ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Adopt Resolution No. 1272-2015 Authorizing the City Manager to make two Supplemental Activity Applications for 1) Improvements to the access to City Hall and Police Department (removal of architectural barriers); and 2) an owner-occupied Rehabilitation (OOR) Loan for foundation repairs

Community Development Director Caldwell provided a staff report and said as the Council may recall, the Department of Housing and Community Development (HCD) notified jurisdictions last year that a Program Income Reuse Agreement between the jurisdiction and HCD was required due to changes to the CDBG Program Income Reuse Policy. At that time it was determined that the State's rules on Program Income (PI) and Revolving Loan Accounts (RLA) were out of compliance with the CDBG federal statutes and regulations.

He further reported that the City entered into a standard CDBG Program Income Reuse Agreement as required which limited the use of Program Income (PI) to housing assistance, which he said is the source of most if not all of the City's Program Income.

He said the City recently met with Thomas Bradenberry, the Section Chief for the CDBG Program to discuss the CDBG program and how the City can best utilize the program to benefit the community and he indicated to staff and Council that the Housing Revolving Loan fund (RLF) is not in the best interest of the City because it limits the use of Program Income to Owner Occupied Rehab and Homebuyer Assistance loans. His recommendation was to recommend to HCD to rescind the Housing RLF to allow the City to make Supplemental Activity applications for other approved CDBG activities such as the two staff is recommending.

A public hearing was opened to receive public comment on the proposed resolution.

There being no public comment, the public hearing closed.

Motion was made by Garnes/Johnson to adopt Resolution No. 1272-2015 authorizing and directing the City Manager to make application to HCD for their approval of the Supplemental Activities as described. Motion carried 5-0.

Introduction and first reading (by title only) of Ordinance No. 338-2015 amending Fence Regulations, Section 17.30.120 of the RDMC to 1) allow ornamental fencing materials such as wrought iron fencing no taller than seven (7) feet in height provided the fence is at least 60% open within the front yard setback, and 2) to prohibit razor or concertina wire fences

Community Development Director Caldwell provided a staff report and said this amendment to the fence regulations is in response to numerous questions and concerns regarding fences and this amendment will basically allow see-through fences within front yard setbacks. He said the amendment also prohibits certain fence materials including but not limited to barbed wire, razor wire or concertina wire unless approved by the Community Development Director in consultation with the Director of Public Works and the Chief of Police for animal control, garden protection, special security needs, or required by other laws or regulations.

A public hearing was opened to receive public comment on the proposed ordinance.

**Melissa Marks** said if the ordinance is approved, she would like to request the City remove the wire from the fence on the parcel across from 70 Monument Road.

Councilmember Garnes left the meeting at this time, 9:02 p.m.

There being no further public comment, the public hearing closed.

Motion was made by Johnson/Marks to introduce and conduct a first reading (by title only) of Ordinance No. 338-2015 *Amending the Fence Regulations, Section 17.30.120 of the Rio Dell Municipal Code* and continue the second reading and adoption to the October 20, 2015 regular meeting. Motion carried 4-0.

## REPORTS/STAFF COMMUNICATIONS

City Manager Knopp provided a brief review of the written City Manager report as presented and said the City Parking lot was striped and sealed and work is underway for the EV charging station; staff is in the process of clearing the Habitat for Humanity parcel on Monument after receiving several complaints regarding garbage; the official notification regarding the Active Transportation Plan Grant should be received by the next meeting, if not by the November 3<sup>rd</sup> meeting; staff will have an update of the Metropolitan Well Site project on the next agenda; Staff will be purchasing some new garbage/recycling containers for the downtown; and reported historic low flows in the Eel River.

Finance Director Woodcox reported on recent activities in the finance department and said staff will be working on getting out the Prop 218 notices this week.

Community Development Director Caldwell announced the application period for the vacancy on the Planning Commission was extended October 15, 2015 and said building permit activity has been rather robust with recent plans for three new single-family residences and one commercial building (The Green Bean). He commented that D.J. Cleek did the rendering for the Green Bean and is very impressive. He also announced that he was successful in passing the California Building Inspection exam on September 10<sup>th</sup> and is now an official Building Inspector.

## COUNCIL REPORTS/COMMUNICATINS

Councilmember Johnson reported on his attendance at the League of California Cities annual conference in San Jose and said it was very well attended. He said as always, there were a lot of very interesting sessions and it was a challenge deciding which ones to attend. He said the 2016 annual conference will be held in Long Beach followed by the 2017 conference in Sacramento. He stated that he attended many interesting sessions but wanted to report particularly on the session related to financing of streets and roads. He said the governor proposed a \$3.6 billion program but the dilemma with that is that just to maintain status quo it costs \$3.3 billion so there will be virtually little or no money for improvements; it's just "kick the can down the road" which is the best we're going to get out of the State. He said it looks like in the long term that California will go to the "vehicle miles traveled" system to generate revenue for streets and roads and noted that Oregon is in the midst of a 5-year plan to implement a program. Also, during the next 6 months, the State will be seeking 5,000 applicants to be part of a pilot program and suggested signing up if given the opportunity.

He reported that he also attended a seminar on the new groundwater laws and reporting and his recommendation for the City is to create a Groundwater Sustainability Agency; otherwise the State will dictate how the City uses its groundwater. He said the City needs to retain local control.

**OCTOBER 6, 2015 MINUTES**  
**Page 15**

City Manager Knopp said staff has been participating in those meetings at the County level and has certainly been advocating for the City's position to retain local control of groundwater.

**ADJOURNMENT**

Motion was made by Johnson/Thompson to adjourn the meeting at 9:13 p.m. to the October 20, 2015 regular meeting. Motion carried 4-0.

Attest:

\_\_\_\_\_  
Frank Wilson, Mayor


\_\_\_\_\_  
Karen Dunham, City Clerk

*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



October 20, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Authorization for the City Manager to Appoint City Clerk Karen Dunham as Acting City Manager During Periods of Temporary Absence or Disability Pursuant to Rio Dell Municipal Code 2.15.040(5)

**IT IS RECOMMENDED THAT THE CITY COUNCIL:**

Authorize the City Manager to appoint City Clerk Karen Dunham as Acting City Manager during periods of temporary absence or disability.

**BACKGROUND AND DISCUSSION**

From time to time the City Manager may be temporarily absent or unable to perform the duties of the office. Rio Dell Municipal Code section 2.15.040(5) calls for the Council's approval of the City Manager's appointment of any Acting City Manager. Approval of this item will allow the City Manager to designate Karen Dunham as the Acting City Manager into the future.

///






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*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*

October 20, 2015

TO: Rio Dell City Council  
FROM: Kyle Knopp, City Manager   
SUBJECT: Presentation from Food for People

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive the presentation.

BACKGROUND AND DISCUSSION

Representatives from Food for People have been invited to give a short talk on services provided in Rio Dell.

///

**675 Wildwood Avenue  
Rio Dell, CA 95562**



**TO:** Mayor and Members of the City Council  
**THROUGH:** Kyle Knopp, City Manager  
**FROM:** Karen Dunham, City Clerk  
**DATE:** October 20, 2015  
**SUBJECT:** Appointment for Vacancy on the Rio Dell Planning Commission

#### **RECOMMENDATION**

Allow the applicants the opportunity to make a short introduction/presentation then vote to appoint one of the applicants to the Rio Dell Planning Commission in accordance with procedures outlined in Resolution 1127-2011 for the remainder of the unexpired term ending December 31, 2016.

#### **BUDGETARY IMPACT**

None

#### **BACKGROUND AND DISCUSSION**

There is currently one (1) vacancy on the Rio Dell Planning Commission as the result of the recent resignation from Jared Wilson. The Notice of Vacancy was posted on September 1, 2015 with the last day for submittal of applications being October 15, 2015.

Resolution No. 1127-2011 establishes the procedures for appointments by the City Council for vacant positions on the various boards and commissions.

Two applications for the vacant position were received; one from **Julie Woodall** and the other from **Rick Sihler**.

#### **ATTACHMENTS:**

Applications for Commission Appointment (2)  
Resolution No. 1127-2011

**RESOLUTION NO. 1127-2011**  
**A RESOLUTION OF THE CITY COUNCIL OF THE**  
**CITY OF RIO DELL PROVIDING A PROCEDURE FOR**  
**APPOINTMENTS BY THE CITY COUNCIL**  
**FOR VACANT POSITIONS ON THE CITY**  
**COUNCIL AND COMMISSIONS**

**WHEREAS**, the City Council is authorized under RDMC Section 2.55 to establish and by a majority vote appoint individuals to commissions, boards and committees; and

**WHEREAS**, City Council desires to use the same system to select the Mayor and Mayor Pro Tempore as is used to appoint individuals to commissions, boards and committees; and

**WHEREAS**, when vacancies occur on the City Council and Commissions, the City Council will vote to appoint replacements for the duration of the term (or for a full term when an election is planned and less candidates file than the number of seats that will become vacant); and

**WHEREAS**, the City Council desires that a set of procedures be in place to formally guide the voting process;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Rio Dell that:

1. Upon notice of a vacancy, an application time period shall be designated whereby interested applicants may complete an application to fill the vacant seat.
2. Names of all qualified applicants shall be placed in nomination for the vacant Seat.
3. All Councilmembers shall be considered nominated for Mayor and Mayor Pro Tempore (with the exception of the newly appointed Mayor). Any Councilmember may decline nomination for Mayor or Mayor Pro-Tempore.
4. Applicants shall be given an opportunity to make a short presentation to the Council at a public meeting.
5. At a City Council meeting where the vacancy is ajenized, each Councilmember will write the name of the applicant of their choice, and sign their ballot.
6. The ballots will be passed to the City Clerk to be counted and announced by name and for whom they voted.
7. If an applicant receives 3 or more votes, that candidate is chosen for the vacancy. Otherwise, there will be a runoff ballot between the top 2 applicants. Applicants receiving 2 votes will be placed in the runoff, and a separate vote shall be held for those receiving 1 vote if only 1 applicant has 2 votes (i.e. 2,1,1,1).

7. In the case of ties, a revote will be held.
8. After 3 ties, the Council will declare that the item be continued and placed on the next regular agenda.
9. At the next regular or special council meeting where the continued item is agendized, the Council shall re-vote up to 2 more times in the same manner as described above. In the event there is still a tie vote, the Council will declare a deadlock and reopen the application process.

**BE IT FURTHER RESOLVED**, that the procedure for establishing a system for City Council appointments to commissions, boards and committees and procedures for the selection of Mayor and Mayor Pro Tempore as described in Resolution Nos. 416, 625, 700, and 822-1-2002 are hereby repealed and replaced with the procedure described above.

**PASSED AND ADOPTED** by the City Council of the City of Rio Dell on this 6<sup>th</sup> day of September, 2011 by the following vote:

AYES: Woodall, Leonard, Marks, Thompson, Wilson  
NOES: None  
ABSENT: None  
ABSTAIN: None

\_\_\_\_\_  
Julie Woodall, Mayor

Attest:

\_\_\_\_\_  
Karen Dunham, City Clerk



**CITY OF RIO DELL  
APPLICATION FOR  
PLANNING COMMISSION APPOINTMENT**

Thank you for expressing your interest in serving the community as an appointed member of the Rio Dell Planning Commission. All applicants must permanently reside within the City of Rio Dell at the time of application. The appointed Planning Commissioner will be required to file a Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 required by California Government Code §87200 et seq. and the City of Rio Dell Conflict of Interest Code.

This application is considered a public record pursuant to the California Public Records Act (Government Code §6520 et seq.) and may be made available to any member of the public upon request.

**PERSONAL DATA:**

Name: Julie Woodall

Address Where you Reside: 1187 Riverside Dr

Mailing Address (if different): \_\_\_\_\_

Home Phone: 764-3079 Cell Phone: 599-2662

Email Address: thewoodalls@suddenlink.net

**EDUCATIONAL DATA:**

High School: yes

College/University: no

**EMPLOYMENT DATA:**

Current Employer/Occupation When Employed: Safeway 1978

**GENERAL INFORMATION:**

Do you currently serve on a City Board or Commission? \_\_\_\_\_ Yes ☒ No

If yes, please list: 20 years on City Council

Please list any past or present community involvement: \_\_\_\_\_

Board HTA

HCAOG

Please explain why you are interested in the appointment and what you, as a City Planning Commissioner, would offer to the Planning Commission and the community: \_\_\_\_\_

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or entity, or have a contract with or any obligation to any person or entity, that might appear to constitute a conflict of interest for a City Planning Commissioner? For purposes of this question, "entity" specifically includes, but is not limited to, the City of Rio Dell and any entity which receives funds from the City. \_\_\_\_\_ Yes ☒ No

If yes, please explain:

**CERTIFICATE OF APPLICANT:**

I certify that: 1) I permanently reside within the City limits of the City of Rio Dell; and 2) all statements made in this application are true and complete. I understand that any false statement or omission of material facts will subject me to disqualification or dismissal.

DATE: 10/9/15 SIGNATURE: Julie Woodall

**RETURN COMPLETED APPLICATION TO:**

Karen Dunham, City Clerk  
675 Wildwood Avenue  
Rio Dell, CA 95562  
Phone: 764-3532  
admin1@riodellcity.com

SEP 14 2015

RECEIVED



675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532

APPLICATION FOR COMMISSION/BOARD

NAME RICK SIHLER DATE SEP 11 2015  
ADDRESS 250 WILLOW LN HOME PHONE 764-1779  
RIO DELL BUSINESS PHONE NONE

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD/COMMISSION:

PLANNING

OCCUPATION CONSTRUCTION

HOW LONG HAVE YOU LIVED IN RIO DELL? 8 YEARS

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ADDITIONAL PERTINENT INFORMATION/REFERENCES \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

EDUCATION HIGH SCHOOL SOME COLLEGE

\_\_\_\_\_



Please answer the following two questions:

1) Why are you interested in serving on this board/commission?

BECAUSE I WANT TO IMPROVE  
RIO DELL.

2) What special talents/experience/education do you possess that will be useful in this position?

CONSTRUCTION - MY FATHER OWNED  
A CONSTRUCTION COMPANY.

Note: A Resume may be attached

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562



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*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*

October 20, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Presentation on Downtown Parking Lot

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive the presentation and provide input if any.

BACKGROUND AND DISCUSSION

The City Manager will provide an update on the status of work being undertaken to modify the City's downtown parking lot. Topics include work already completed, future work to be conducted to install EV Charging Stations and future work on lighting and landscaping.


///

*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



October 20, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Presentation on Cost Containment Options Under Review for Employee Health Benefits and Related Authorization for the City Manager to Sign a Conflict Waiver Consent Form Allowing the City Attorney to Conduct Work on Behalf of the City

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive the presentation and authorize the City Manager to sign the attached consent form.

BACKGROUND AND DISCUSSION

The City Manager has been working with the City Clerk and Finance Director to research and review cost containment options for the City regarding employee health benefits. Staff has been in contact with representatives from Keenan & Associates an insurance brokerage and consultation service that works with local governments.

One potential option for the City involves joining the Public Agency Coalition Enterprise (PACE) Joint Powers Authority (JPA). Joining this JPA with other municipal governments could help spread and regulate shared costs in a similar manner to how risk management is performed in the City today through the Small Cities Organized Risk Effort (SCORE) JPA. Additional research is needed and the City requires legal counsel to review the JPA documents and provide an opinion.

City Attorney Russ Gans and his firm Mitchell, Brisso, Delaney & Vrieze, LLP (MBDV) engage in work to defend liability pools managed by Keenan & Associates. Therefor a potential conflict of interest could exist. The City Attorney and City Manager believe the possibility of an actual conflict to be remote. However, if a conflict does appear even after the execution of this attached waiver, MBDV agrees to inform the City of such conflict and to seek further written consent.

///

**MITCHELL, BRISSE, DELANEY & VRIEZE, LLP**

CLIFFORD H. MITCHELL (1927-2010)

PAUL A. BRISSE

NANCY K. DELANEY

JOHN M. VRIEZE

WILLIAM F. MITCHELL

RUSSELL S. GANS

NICHOLAS R. KLOEPPPEL

\*\*\*\*\*

RYAN T. PLOTZ, Associate

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E-MAIL: general@mitchelllawfirm.com

P.O. DRAWER 1008

EUREKA, CA 95502

\*\*\*\*\*

EMERY F. MITCHELL (1896 - 1991)

WALTER J. CARTER (1949 - 1993)

R.C. DEDEKAM (1929 - 2011)

October 12, 2015

Betty Sassano  
General Counsel  
Keenan and Associates  
Via e-mail only: Bsassano@keenan.com

Kyle Knopp  
City Manager  
City of Rio Dell  
Via e-mail only: kknopp@riodellicity.com

Re: PACE - Health Benefits JPA, Conflicts Waiver

Dear Ms. Sassano and Mr. Knopp:

As you know, our law firm has long standing attorney-client relationships with both Keenan and Associates ("Keenan") and the City of Rio Dell ("City"). With respect to Keenan, our firm defends liability pools managed by Keenan. The undersigned and Paul Brisso from our firm also serve as the City Attorney for the City.

Our firm has been asked by the City to evaluate the City's proposed membership in the Public Agency Coalition Enterprise ("PACE"), a Health Benefits JPA managed by Keenan and Associates.

It is our belief that no conflict of interest exists regarding our firm's evaluation of the PACE membership on behalf of the City because we have never represented PACE and the prior and concurrent matters in which we represent liability pools managed by Keenan are totally unrelated. Moreover, during our representation of liability pools managed by Keenan in prior and concurrent matters, we are unaware of having obtained any confidential information that might be material to the evaluation of the City's proposed PACE membership.

Although at this time we cannot foresee there being any actual conflict of interest as between the City and Keenan, there exists the potential for a conflict. In the unlikely event that an actual conflict arises between the City and Keenan we will be obligated to

obtain your informed written consent to continue our representation of the City with respect to this assignment.

As attorneys, we are governed by specific rules relating to our representation of clients when present or potential conflicts of interest exist. Rule 3-310 of the California Rules of Professional Conduct provides in relevant part:

(A) For purposes of this rule:

(1) "Disclosure" means informing the client or former client of the relevant circumstances and of the actual and reasonably foreseeable adverse consequences to the client or former client;

(2) "Informed written consent" means the client's or former client's written agreement to the representation following written disclosure;

(3) "Written" means any writing as defined in Evidence Code section 250. . .

... (C) A member shall not, without the informed written consent of each client:

(1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or

(2) Accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict; or

(3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter.

(D) A member who represents two or more clients shall not enter into an aggregate settlement of the claims of or against the clients without the informed written consent of each client. . . .

Accordingly, we request that you sign and return to us a copy of this letter acknowledging that Keenan and the City have been advised of the Rule and of the potential for a conflict associated with the respective interests of the City and Keenan; that the City and Keenan have been advised of our present and continuing relationship with the City and Keenan; and that the City and Keenan nevertheless agree that our firm will represent the City in connection with the above-described assignment.

October 12, 2015

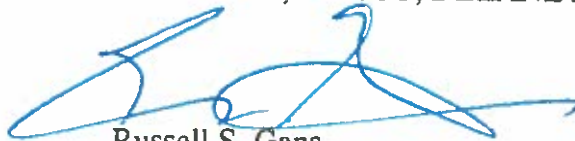
Page: 3

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We stress that Keenan and the City are completely free to seek other counsel at any time even if you decide to sign the consent set forth below. If the letter meets with your approval, please sign where indicated and scan and e-mail the signed counterpart to [rgans@mitchelllawfirm.com](mailto:rgans@mitchelllawfirm.com). Electronically scanned and/or facsimile signatures shall be deemed to constitute originals and this letter may be signed in counterparts.

Very truly yours,

MITCHELL, BRISSO, DELANEY & VRIEZE, LLP



Russell S. Gans

NRK/jg

---

**CONSENT**

We acknowledge receipt and reading of this correspondence, dated October 12, 2015.

Further we have been informed and understand that Mitchell, Brisso, Delaney & Vrieze, LLP, will be providing legal counsel to the City of Rio Dell ("City") with respect to the City's proposed membership in the Public Agency Coalition Enterprise, a Health Benefits JPA managed by Keenan and Associates ("Keenan").

We have been informed, and acknowledge and confirm, that no actual conflict of interest currently exists by virtue of this representation by Mitchell, Brisso, Delaney & Vrieze, LLP, and further understand that in the event of an actual conflict of interest, both the City and Keenan will be fully informed of such conflict and further informed written consent will be requested.

We have also been informed and understand that we have the right to and have been encouraged to consult independent counsel before signing this consent.

Notwithstanding the potential for a conflict, we, on behalf of the City and Keenan, respectively, hereby consent to the representation by Mitchell, Brisso, Delaney & Vrieze, LLP as set forth herein.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Kyle Knopp, City Manager for the  
City of Rio Dell, acting with the  
authority of the City Council

DATED: \_\_\_\_\_


\_\_\_\_\_  
Betty Sassano, General Counsel and  
Authorized Representative for  
Keenan and Associates

*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



October 20, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Discussion on Possible Action on Workshop Related to Cannabis and Related Potential Economic Development Opportunities

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Schedule a workshop on Economic Opportunities related to Cannabis

BACKGROUND AND DISCUSSION

Councilmember Garnes recently attended a business leader luncheon in Eureka regarding cannabis and related retail opportunities and has requested this item. A workshop would involve inviting key leaders in the emerging legal cannabis industry to give a presentation to the Council for your consideration. A suggested date for the workshop has been 5:30pm on December 3, 2015.

///





675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: October 6, 2015

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: September 28, 2015

Subject: Fence Regulations, Section 17.30.120 of the Rio Dell Municipal Code (RDMC)

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding the proposed text amendment; and
2. Open the public hearing, receive public input, close the public hearing; and
3. Find that the proposed text amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and
4. Find that the proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA); and
5. Adopt Ordinance No. 338-2015 amending the Fence Regulations to: (1) allow ornamental fencing materials, such as wrought iron fences with or without masonry or wood posts/piers or cyclone fencing no taller than 7 feet provided the fence is at least 60% open, within the front yard setback and; (2) to prohibit razor or concertina wire fences; and
6. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

## **Background and Discussion**

At your meeting of October 6<sup>th</sup>, staff introduced Ordinance No. 338-2015 amending the Fence Regulations to: (1) allow ornamental fencing materials, such as wrought iron fences with or without masonry or wood posts/piers or cyclone fencing no taller than 7 feet provided the fence is at least 60% open, within the front yard setback and; (2) prohibit razor or concertina wire fences.

There was very little discussion regarding the proposed amendments and no revisions or changes were recommended by the Council or the public. As such, staff is recommending that the Council:

1. Find that the proposed text amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and
2. Find that the proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA);
3. Adopt Ordinance No. 338-2015 amending the Fence Regulations to: (1) allow ornamental fencing materials, such as wrought iron fences with or without masonry or wood posts/piers or cyclone fencing no taller than 7 feet provided the fence is at least 60% open, within the front yard setback and; (2) to prohibit razor or concertina wire fences; and
4. Direct the Clerk of the Board to post the Ordinance adoption summary.

## **Attachments**

Attachment 1: Ordinance No. 338-2015 amending the Fence Regulations to: (1) allow ornamental fencing materials, such as wrought iron fences with or without masonry or wood posts/piers or cyclone fencing no taller than 7 feet provided the fence is at least 60% open, within the front yard setback and; (2) prohibit razor or concertina wire fences.

Attachment 2: Post Adoption Summary.

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



**Public Notice**  
**City of Rio Dell City Council**  
**SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE**

(The summary shall be published or posted within 15 calendar days after the adoption of the ordinance)

**Summary**

On Tuesday, October 20, 2015 at 6:30 p.m., the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall and approved and adopted Ordinance No. 338-2015 amending the Fence Regulations to: (1) allow ornamental fencing materials, such as wrought iron fences with or without masonry or wood posts/piers or cyclone fencing no taller than 7 feet provided the fence is at least 60% open, within the front yard setback and; (2) prohibit razor or concertina wire fences.

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance. Said Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the October 20, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk at 675 Wildwood Avenue in Rio Dell. General questions regarding the Ordinance and the process should be directed to Kevin Caldwell, Community Development Director, (707) 764-3532.

**ORDINANCE NO. 338-2015**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING THE FENCE REGULATIONS, SECTION 17.30.120 OF THE RIO DELL  
MUNICIPAL CODE:**

**THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:**

**WHEREAS** staff has been contacted on a number of occasions regarding constructing fences taller than four (4) feet within the front yard setback; and

**WHEREAS** the current fence regulations, Section 17.30.120 limits the height of fences within the front yard setback, typically twenty (20) feet in residential zones, to four (4) feet; and

**WHEREAS** many jurisdictions allow taller fences in the front yard setback provided the fence materials do not obstruct the view through the fence; and

**WHEREAS** the City amended the allowable height of fences to seven (7) feet last year to be consistent with the California Building Code; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

**WHEREAS** the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**WHEREAS** staff presented the recommended changes to the Planning Commission at their meeting of September 24<sup>th</sup>; and

WHEREAS the Planning Commission concurred with staff's recommendations and is recommending that your Council approve the recommended amendments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Section 17.30.120 of the Rio Dell Municipal Code is amended to read in as follows:

**17.30.120 Fences, Walls and Screening**

**(1) Corner Lots -- Sight Distance.**

In any residential district on a corner lot, there shall be no fence, wall, or hedge higher than three (3) feet, nor any obstruction to vision other than a post, column, or tree not exceeding one foot in diameter, between a height of three (3) feet and a height of ten (10) feet above the established grade of either street, within an area thirty (30) feet from the intersection of the street lot lines.

**(2) Height Regulations.**

~~Any fence or wall used as a fence shall not exceed a height of seven (7) feet within the required front, side, or rear yard of any lot; provided, however, that in any residential district, a fence or wall used as a fence shall not exceed a height of four (4) feet within a required front yard, nor seven (7) feet within any required rear yard or side yard, except where otherwise permitted by these regulations.~~

(a) Fences in Front Yards. A fence located in a front yard shall not exceed four (4) feet in height. However, an ornamental metal fence may be erected to a height of seven (7) feet. Such ornamental fence may include posts/piers constructed of masonry, wood or other similar materials, provided the fence is at least 60% open overall. An ornamental metal fence may also be constructed atop a masonry wall provided the combined height of the wall and fence does not exceed seven (7) feet and the portion of the wall/fence structure above 4 feet high is at least 60% open.

(b) Fences in Side Yards and Rear Yards. A fence located in a side yard or rear yard may be erected to a height of 7 (seven) feet.

### **(3) Exceptions.**

The Planning Commission may modify by special use permit, the height requirements of this part, upon a showing of good cause. For any such modification, the Planning Commission shall be required to make the following findings:

- (a) The proposed fence height modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;
- (b) The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
- (c) The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- (d) In issuing a special use permit, the Planning Commission may require such changes or alterations in the fence as it may deem necessary to satisfy the findings specified in this part. Such changes or alterations may include, but shall not be limited to the following:

- Fence height
- Design
- Materials
- Setback from property line
- Screening or landscaping

(1) A fence or wall used as a fence which exceeds seven (7) feet in height shall be defined as a "detached accessory structure" for the purpose of regulation under the provisions of this ordinance, and all applicable provisions of the California Building Code shall apply. [Ord. 167 § 6.05.5 1982; Ord. 324 August 2014]

### **(4) Prohibited Materials.**

**The following fence materials are prohibited unless approved by the Community Development Director in consultation with the Director of Public Works and the Chief of Police for animal control, garden protection, special security needs, or required by a City, State, or Federal law or regulation.**

**(a) Barbed wire, or electrified fence, except within the Rural (R), and Natural Resources (NR) land use designations;**

**(b) Razor or concertina wire in conjunction with a fence or wall, or by itself within any land use designation;**

**(c) Nails, broken glass, or other sharp objects on the top of fences or walls.**

(d) Existing fences with prohibited materials shall not be considered a legal non-conforming use and/or structure and shall be removed within sixty (60) days after adoption of the implementing ordinance.

## **Section 2. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## **Section 3. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

## **Section 4. Effective Date**

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on October 6, 2015 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the October 20, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 338-2015 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the October 20, 2015.

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Karen Dunham, City Clerk, City of Rio Dell